

REMARKS

Election / Restrictions

In section 1 of the Action, the Examiner states that because Applicants "did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03 (a))".

Applicants note that MPEP 818.03(a) recites: that "*the applicant is required to specifically point out the reasons on which he or she bases his or her conclusions that a requirement to restrict is in error. A mere broad allegation that the requirement is in error does not comply with the requirement of 37 CFR § 1.111. Thus the required provisional election (see MPEP § 818.03(b)) becomes an election without traverse*".

Applicants respectfully submit that they were not aware that there were supposed errors in the restriction requirement issued on February 10, 2004, and made no such allegations. Accordingly, Applicants respectfully submit that they fail to understand to which errors the Examiner refers. Applicants respectfully request the Examiner to issue a new restriction requirement if the Examiner now believes that the restriction requirement issued on February 10, 2004 contained errors.

In section 2 of the Action, the Examiner withdraws claims 8, 10, 13-30, 35, 37 and 40 as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicants note that claims 8, 10, 13-14 depend directly or indirectly on generic claim 1 which is now allowable, as detailed below, and that claims 35 and 37 depend on claim 31 which is now allowable, as detailed below. Accordingly, Applicants respectfully request the Examiner to consider the patentability of claims 8, 10, 13-14, 35 and 37.

Objections to the Abstract

The Abstract stands objected to for reciting the word "*comprises*" instead of the word "*includes*". Applicants have amended the Abstract to recite "*includes*" instead of "*comprises*", and respectfully request the Examiner to withdraw the present objection.

Rejection under 35 U.S.C. 102

Claims 1-3, 5-7, 11, 12, 31, 33, 34, 38 and 39 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,019,457 to Silverbrook. Applicants respectfully disagree.

Claim 1

Applicants disagree with the Examiner's rejection of claim 1 over Silverbrook. However, in order to move the application to issue, Applicants have recited in claim 1 the features of dependent claim 4, deemed to be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claim. At least in view of the above, Applicants respectfully submit that claim 1 as amended is patentable over Silverbrook.

Claim 31

Applicants disagree with the Examiner's rejection of claim 31 over Silverbrook. However, in order to move the application to issue, Applicants have recited in claim 31 the features of dependent claim 32, deemed to be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claim. At least in view of the above, Applicants respectfully submit that claim 31 as amended is patentable over Silverbrook.

Claims 2-3, 5-7, 11, 12, 33, 34, 38 and 39

Claims 2-3, 5-7, 11 and 12 depend directly or indirectly on claim 1 and claims 33, 34, 38 and 39 depend directly or indirectly on claim 31. Applicants respectfully submit

that at least in view of their dependency, claims 2-3, 5-7, 11, 12, 33, 34, 38 and 39 are patentable over Silverbrook.

Rejection under 35 U.S.C. 103

Claims 9 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook in view of U.S. Pat. No. 6,6,398,348 to Haluzak. Applicants respectfully disagree, and note that claim 9 depends on claim 1 and claim 36 depends on claim 31. Applicants respectfully submit that at least in view of their dependency, claims 9 and 36 are patentable over Silverbrook in view of Haluzak.

Allowable subject matter

Claims 4 and 32 stand objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claim. Claim 4 depends on claim 1 and claim 32 depends on claim 31. As previously detailed, Applicants have cancelled claims 4 and 32, and have recited the features of claim 4 in claim 1 and the features of claim 32 in claim 31.

Applicants respectfully submit that the above amendments have been made without prejudice and expressly reserve the right to present cancelled matter in the present application or in any derivative thereof.

* * *

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

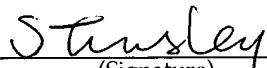
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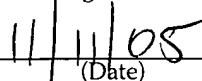
(Date of Transmission)

Shannon Tinsley

(Name of Person Transmitting)



(Signature)


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(Date)

Respectfully submitted,


Richard P. Berg
Attorney for the Applicant
Reg. No. 28,145
LADAS & PARRY
5670 Wilshire Boulevard,
Suite 2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile